

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PharMerica Mountain, LLC d/b/a
PharMerica,

Plaintiff

v.

RCSR Corporation d/b/a Desert Hills
PostAcute & Rehabilitation Center, and
MMMT Corporation,

Defendants

Case No.: 2:20-cv-00732-JAD-EJY

**Order Granting Motion
for Attorneys' Fees**

[ECF No. 23]

Last year, I granted plaintiff PharMerica Mountain, LLC default judgment on its breach-of-contract and breach-of-implied-contract claims against defendants RCSR Corporation and MMMT Corporation, respectively.¹ In that default-judgment order, I “conclude[d] that PharMerica is entitled to recover reasonable attorneys’ fees under its express contract with RCSR but not under its implied contract with MMMT.”² Because PharMerica “intend[ed] to separately file a motion for legal fees and costs” under this district’s Local Rule 54-14, I did not award it those fees at that time.³ PharMerica now seeks attorneys’ fees and costs in the total amount of \$32,561.60 from both defendants.⁴ I find its requested fees reasonable under the

¹ ECF No. 21.

² *Id.* at 9; *see* Nev. Rev. Stat. § 18.010(1) (“The compensation of an attorney and counselor for his or her services is governed by agreement, express or implied, which is not restrained by law.”).

³ ECF No. 21 at 9 (citing ECF No. 18 at 9; ECF No. 18-4; ECF No. 18-6).

⁴ ECF No. 23 at 2. This total amount is the sum of \$31,519 (attorneys’ fees) and \$1,042.60 (costs). *Id.*

1 factors laid out by the Nevada Supreme Court in *Brunzell v. Golden Gate National Bank*,⁵ so I
 2 grant its motion in part, awarding fees the itemized costs ordinarily allowed under this court's
 3 local rules against RCSR only.

4 **Discussion**

5 Federal courts sitting in diversity determine the reasonableness of attorneys' fees
 6 awarded under state law.⁶ Under Nevada law, "the method upon which a reasonable fee is
 7 determined is subject to the discretion of the court, which is tempered only by reason and
 8 fairness."⁷ One permissible method is the lodestar approach, which involves "multiplying the
 9 number of hours reasonably spent on the case by a reasonable hourly rate."⁸

10 Nevada courts must also review the requested amount "in light of the factors set forth in"
 11 the Supreme Court of Nevada's decision in *Brunzell*.⁹ They include:

12 (1) the qualities of the advocate: his ability, his training, education,
 13 experience, professional standing, and skill;

14 (2) the character of the work to be done: its difficulty, its intricacy,
 15 its importance, time, and skill required, the responsibility imposed
 and the prominence and character of the parties where they affect
 the importance of the litigation;

16 (3) the work actually performed by the lawyer: the skill, time and
 17 attention given to the work;

18 (4) the result: whether the attorney was successful and what
 benefits were derived.¹⁰

19 ⁵ *Brunzell v. Golden Gate National Bank*, 455 P.2d 31, 33 (Nev. 1969) (listing factors relevant to
 20 the reasonableness of attorneys' fees).

⁶ *Mangold v. Cal. Pub. Util. Comm'n*, 67 F.3d 1470, 1478 (9th Cir. 1995).

21 ⁷ *Shuette v. Beazer Homes Holdings Corp.*, 124 P.3d 530, 548–49 (Nev. 2005) (en banc)
 22 (internal quotation marks omitted).

⁸ *Id.* at 549 & n.98 (internal quotation marks omitted).

23 ⁹ *Haley v. Dist. Ct.*, 273 P.3d 855, 860 (Nev. 2012) (citing *Brunzell*, 455 P.2d at 33).

¹⁰ *Brunzell*, 455 P.2d at 34.

1 Finally, Local Rule 54-14 requires any application for attorneys' fees to include, as relevant here,
2 an attorney affidavit, "[a] reasonable itemization and description of the work performed[.]" and
3 "[a] brief summary" of 13 categories of information designed to elicit more information about
4 the case and the work that the attorneys performed.¹¹

5 Here, PharMerica requests the \$31,519 in attorneys' fees incurred in collecting payment
6 on its contract with RCSRP, including all work completed related to this litigation.¹² PharMerica
7 includes affidavits and billing records showing that eight attorneys—including a local
8 bankruptcy-law specialist—and a paralegal worked on this matter at rates between \$145 and
9 \$575 per hour.¹³ PharMerica arrives at the lodestar amount by multiplying those rates by the
10 118.4 hours worked.¹⁴

11 I have reviewed PharMerica's motion, declarations, and billing records in light of both
12 the *Brunzell* factors and Local Rule 54-14. I find the rates charged and amount of work
13 performed to be reasonable based on the local legal market and circumstances of this case. I also
14 find that the request for fees is properly supported by evidence. So I grant the motion in part and
15 award PharMerica the \$31,519 in attorneys' fees it incurred while litigating this matter. But I
16 deny the motion in part because PharMerica may only seek satisfaction of these fees from one of
17 the two defendants, RCSRP. As to its request for costs, PharMerica's motion seeks \$1,042.60,¹⁵
18 but those costs include numerous line items not ordinarily allowed under this district's local
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21 ¹¹ L.R. 54-14 (a)–(b).

22 ¹² ECF No. 23 at 12.

23 ¹³ ECF No. 23-4.

¹⁴ *Id.*

¹⁵ ECF No. 23 at 12.

1 rules, so I award PharMerica \$710.47 in costs only. I disallow costs related to computer research
2 and *pro hac vice* admission.¹⁶

3 **Conclusion**

4 IT IS THEREFORE ORDERED that PharMerica Mountain, LLC's motion for attorneys'
5 fees [ECF No. 23] is **GRANTED in part and DENIED in part**. I award PharMerica
6 \$32,229.47 in attorneys' fees and costs against defendant RCSR Corporation only. The Clerk
7 of the Court is directed to **ENTER AN AMENDED JUDGMENT** accordingly.

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10 U.S. District Judge Jennifer A. Dorsey
February 28, 2022
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23 ¹⁶ See L.R. 54-11(f)–(g) (computer-research fees and *pro hac vice* admission fees not ordinarily allowed).